

City Council Introduction: **Monday**, October 25, 2004
Public Hearing: **Monday**, November 1, 2004, at **1:30 p.m.**

Bill No. 04-199

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04061, from AGR Agricultural Residential District to R-3 Residential District, requested by Lyle Loth of ESP on behalf of Aspen Builders, Inc., on property generally located south of West "A" Street and east of S.W. 27th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 10/13/04
Administrative Action: 10/13/04

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (6-0: Carlson, Larson, Marvin, Bills-Strand, Sunderman and Taylor voting 'yes'; Carroll, Krieser and Pearson absent).

FINDINGS OF FACT:

1. The purpose of this change of zone request is to allow the last phase of Aspen Ridge to be final platted. The final plat is for 21 single-family lots.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that this change of zone is in conformance with the Comprehensive Plan.
3. On October 13, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On October 13, 2004, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 18, 2004

REVIEWED BY: _____

DATE: October 18, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04061

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 13, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04061

PROPOSAL: From AGR-Agricultural Residential to R-3-Residential

LOCATION: South of West "A" St. and east of S. W. 27th St.

LAND AREA: 3.11 acres, more or less

CONCLUSION: The change of zone from AGR to R-3 is in conformance with the 2025 Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached legal description

EXISTING ZONING: AGR, Agricultural Residential District

EXISTING LAND USE: undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Single family house, undeveloped
South:	R-3, Residential	Single family houses
East:	R-3, Residential	Single family houses
West:	H-4, General Commercial	Undeveloped
	AGR, Agricultural Residential	Undeveloped

ASSOCIATED APPLICATIONS: Aspen Ridge 3rd Addition final plat #04104

HISTORY:

August 2, 2004 The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003 was adopted by City Council.

September 12, 2003 Aspen Ridge 2nd Addition final plat was approved by the Planning Director.

May 19, 2003 Aspen Ridge 1st Addition preliminary plat and change of zone from AGR to R-3 was approved by City Council.

January 22, 2003	Aspen Ridge 1 st Addition final plat was approved by the Planning Commission.
August 8, 2001	Aspen Ridge final plat was approved by the Planning Commission.
April 16, 2001	Change of Zone from AGR to R-3 was approved by City Council.
April 9, 2001	Aspen Ridge preliminary plat was accepted by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as urban residential. (F-23)

"Maximizing the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development in unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F 17)

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood." (F-18)

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population." (F-18)

"The Lincoln Airport Authority has assessed the existing and future noise impacts, noise contours for the Airport environment in a *Part 150 Airport Noise Compatible Planning Study*. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs." (F-123)

UTILITIES: Utilities are available in West Washington St. and West Garfield St.

TRAFFIC ANALYSIS: S. W. 27th street is classified as a local street.

PUBLIC SERVICE: The nearest fire station is located at approximately Coddington Ave. and West "A" St. Roper Elementary school is located at Coddington Ave. & West South St.

ANALYSIS:

1. This proposal is a request for a change of zone from AGR, Agriculture Residential to R-3 Residential. The area of this request is shown in the Comprehensive Plan as Urban Residential.
2. This change of zone would allow the last phase of Aspen Ridge to be final platted. The final plat is for 21 single-family lots.
3. This area could not be used for residential previously because it exceeded the LDN 70 noise contour. The recently approved Noise Compatibility Study revised the noise contours and this area now lies between LDN 60 and 65. Residential uses are allowed up to the LDN 70 noise contour

4. The approval of this application would allow the area to develop as urban residential keeping in character with the adjacent neighborhood.

Prepared by:

Tom Cajka
Planner

DATE: September 22, 2004

APPLICANT: Aspen Builders, Inc.
Robert Benes
6120 Village Dr.
Lincoln, NE 68516
(402) 423-6811

OWNER: same as applicant

CONTACT: Lyle Loth
ESP
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
(402) 421-2500

CHANGE OF ZONE NO. 04061

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 13, 2004

Members present: Carlson, Larson, Marvin, Bills-Strand, Sunderman and Taylor; Carroll, Krieser and Pearson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04061** and **SPECIAL PERMIT NO. 1384E**.

Item No. 1.2, Special Permit No. 1384E, was removed from the Consent Agenda and scheduled for separate public hearing.

Marvin moved to approve the remaining Consent Agenda, seconded by Larson and carried 6-0: Carlson, Larson, Marvin, Bills-Strand, Sunderman and Taylor voting 'yes'; Carroll, Krieser and Pearson absent.



2002 aerial

Change of Zone #04061 SW 27th & Washington St.

Zoning:

R-1 to R-8 Residential District

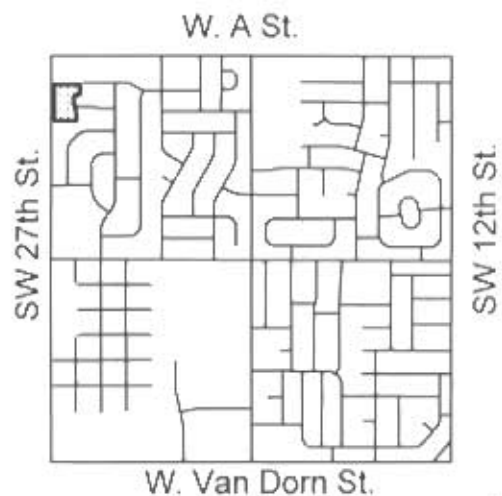
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

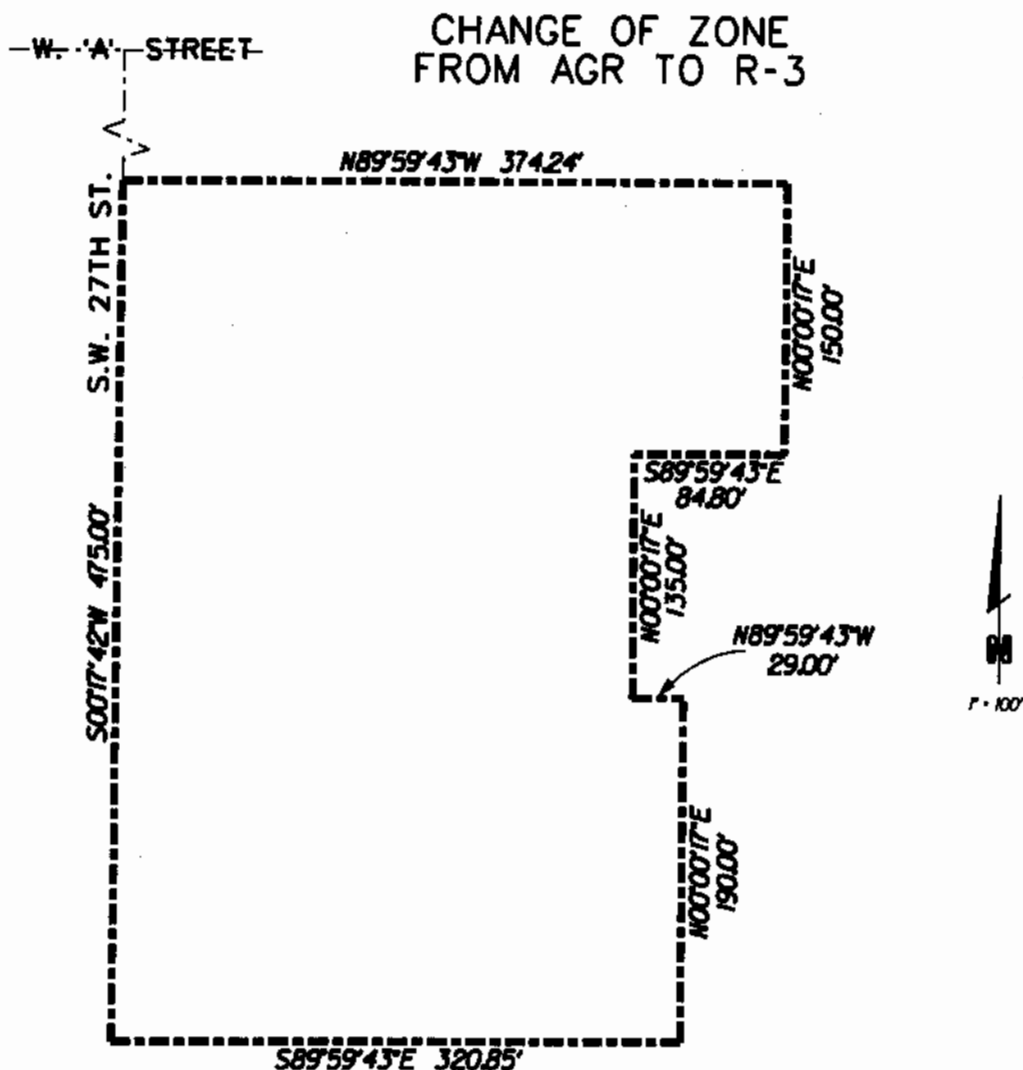
One Square Mile
Sec. 33 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





CHANGE OF ZONE LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter of Section 33, T.10 N., R.6 E. of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter and extending thence S 00°17'42\" W, 345.44 feet to the point of beginning;

Thence continuing on said bearing 475.00 feet;

Thence S 89°59'43\" E, 320.85 feet;

Thence N 00°00'17\" E, 190.00 feet;

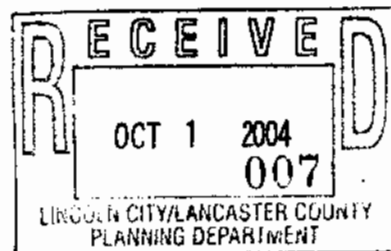
Thence N 89°59'43\" W, 29.00 feet;

Thence N 00°00'17\" E, 135.00 feet;

Thence S 89°59'43\" E, 84.80 feet;

Thence N 00°00'17\" E, 150.00 feet;

Thence N 89°59'43\" W, 374.24 feet to the point of beginning containing 3.59 acres, more or less.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: September 15, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: CZ #04061

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.
- Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and adjacent commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become with familiar with LMC 8.24.

Memorandum

To:	Tom Cajka, Planning Department
From:	Dennis Bartels, Engineering Services
Subject:	Change of Zone AGR to R3
Date:	September 13, 2004
cc:	Randy Hoskins

Engineering Services finds the change of zone from AGR to R3 for the Aspen 3rd Addition final plat at Southwest 27th and West A to be satisfactory.